IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 266 of 2005

Date of Decision: September 29, 2006

Vidya Devi

…..Petitioner

Vs.

H.V.P.N.L. and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. R.C. Chatrath, Advocate
for the petitioner.

-.-

M.M. KUMAR, J. (ORAL)

The prayer made in this petition is for quashing order dated June 2, 2003 (P-4) passed by Superintending Engineer (Operation Circle), Bhiwani, declining the claim of the petitioner for grant of family pension on the ground that her deceased husband did not render one year regular service. It is admitted fact that the husband of the petitioner has rendered regular service from June 7, 1979 to July 28, 1979. It is also undisputed that he worked as a work-charge T.Mate under the erstwhile Haryana State

Electricity Board, from August 1, 1973 till June 7, 1979. Before the opportunity to switch over to pension scheme could be availed by him in the year 1993, he had already expired. The claim by the petitioner is based on clause 4 of Family Pension Scheme, 1964, which has been subject matter of interpretation of this Court in various judgments. Note 1 appended to clause 4 of the Scheme has been interpreted by a Division Bench of this Court in the case of **Smt.Savitri Devi v. State of Haryana**, 1996 (2)RSJ 845. It has been laid down that an employee is not required to render one year regular service and the family pension would be admissible to his dependent even if he has rendered lesser service say one month. The aforementioned Division Bench has been repeatedly followed, as is evident from the perusal of the judgments in **Sharmila Devi v. Uttar Haryana Bijli Vitran Nigam Ltd.**, (Civil Writ Petition No. 6837 of 2001, decided on July 25, 2002, annexure P-7), **Kusum Devi v. U.H.B.V.N. Limited and others**, (Civil Writ Petition No. 86 of 2003, decided on July 28, 2003, annexure P-8) and another Division Bench judgment of this Court in **Kamla Devi v. Haryana State Electricity Board and others**, (Civil Writ Petition No. 10572 of 1997, decided on September 25, 1997, annexure P-6).

In view of the above, the writ petition deserves to be allowed. Accordingly, the order annexure P-4 dated June 2, 2003, is quashed and respondents are directed to calculate the family pension of the petitioner and release the same to her within a period of two months from the date a certified copy of this order is supplied to them. The petitioner is also held entitled to all the arrears of family pension from the date it was payable till

the date of its payment as has been held by Hon'ble the Supreme Court in **S.K. Mastan Bee v. General Manager, South Central Railways**, (2003) 1 SCC 183, if the amount of family pension after calculation is not paid within two months, then the petitioner shall be entitled to interest at the rate of 6% per annum.

The writ petition is allowed in the above terms.

(M.M.KUMAR)
JUDGE

September 29, 2006
sanjay

(M.M.S.BEDI)
JUDGE